



W.P.No.20404 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2022

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.20404 of 2016
and
WMP Nos.17507 and 17508 of 2016

K.Paramasivam

..Petitioner

-Vs-

1. The Additional Chief Secretary to Government,
Public Works (W-2) Department,
Fort St.George,
Chennai-600 009.
2. The Special Commissioner/
Commissioner for Revenue Administration,
Chepauk, Chennai-600 005.
3. The Engineer in Chief,
Water Resources Organisation and
CE(GL), Public Works Department,
Chepauk,
Chennai-600 005.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned G.O issued by the 1st respondent in G.O.Ms.No.82,



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Public Works (W-2) Department, dated 03.03.2016 and quash the same and consequently direct the respondents to conduct the Water Users Association, Distributary Committee and Project Committee elections as per Tamil Nadu Farmers Management of Irrigation Systems Act, 2000 (Act No.7 of 2001).

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Ganesan
Government Advocate

ORDER

This writ petition has been filed to issue a writ of Certiorarified Mandamus calling for the entire records relating to the impugned Government Orders has been issued by the first respondent in exercise of power conferred under Section 42(2) of the Tamil Nadu Farmers' Management of Irrigation Systems Act, 2000. The petitioner is the farmer Ex-Chairman of the Thirumoorthi Reservoir Project Committee of Parambikulam, Aliyar Project.

2. The specific case of the petitioner is that under the Scheme of the Act, in terms of Section 3 of the Tamil Nadu Farmers' Management of Irrigation Systems Act, 2000, Water Users Association is to be constituted



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and every Water Users Association area shall be divided into territorial constituencies, which shall not be less than four, but shall not be more than ten as may be described.

3. It is submitted that last election was conducted during June 2009 and the tenure of the elected member came to an end on 30.12.2014. On the same day, the tenure of Distributary Committee, contemplated in Section 6 and the Project Committee contemplated in Section 10 of the Tamil Nadu Farmers' Management of Irrigation Systems Act, 2000, also came to an end. They have not been constituted. In the exercise of power under Section 42(2) of the said Act, the Government has taken away the powers vested with the authorities under the impugned notification.

4. Earlier on 12.01.2015, Engineer in-Chief, (WRD) Water Resources Department and the Chief Engineer (GL), PWD had requested the Regional Chief Engineer (RCE) to instruct as follows:

- i. Instruct the Competent Authority, to address the Bank Manager to allow to operate the WUA account by the Former, WUA President and TC member until new office bearers assumes charge stating that the tenure of President and TC Members are over as per TNFMIS ACT.



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ii. Instruct the Competent Authority to take charge of the WUAs for which tenure of the officer bearers are over for the sub basins under phase I and II as per sub section 2 of Section 42 of TNFMIS Act 2020 till the new WUA management committee members assume charge.

5. The petitioner had filed W.P.Nos.888 & 1953 of 2015 for the following relief:-

W.P.No.888 of 2015	W.P.No.1953 of 2015
Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to implement the object of the Tamil Nadu Farmers Management Irrigation Systems Act, 2000 (Act 7 of 2001) by conducting election for Water Users Association, Distributary Committee and Project Committee by fixing time for conducting the election. Prayer in W.P.No.1953 of 2015	Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 4 th respondent in his proceedings in his Letter No.PIM/F5/WUA-Election/2013, dated 12.01.2015 and quash the same and consequently direct the respondents to hand over the powers to erstwhile office bearers of the Water Users Associations till the elections to be conducted by the respondents.

6. The learned Government Pleader for the respondents has submitted that above Rs.467 lakhs was allotted towards expenditure for conducting WUA elections. It was received from the Engineer in-Chief, Water



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Resources Department, Public Works Department for administrative sanction of funds. However, the election was deferred and subsequently the third respondent has sent a proposal for Rs.290 crores and the same was under process.

7. Learned Government Advocate for the respondents states that the election to the Water Users Association (WUA) was held during August, 2022 on various dates. This is confirmed by the learned counsel for the petitioner.

8. Learned Government Advocate for the respondents submits that in view of the above, the writ petition has become infructuous as the Distributary Committee and Project Committee will be constituted in due course in accordance with law.

9. By way of rejoinder, the learned counsel for the petitioner would submit that the election to the Distributary Committee and the Project Committee have to be held at the Taluk level and at the Dam level.



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10. G.O.Ms.No.82 Public Works (W-2) Department dated

03.03.2016, cannot continue eternally. Mere election to the Water Users Association by itself is not enough in compliance of the scheme framed under the Tamil Nadu Farmers' Management of Irrigation System Act, 2000.

11. In these circumstances, I direct the 1st respondent to take steps to hold elections for the next two levels, i.e. Distributary Committee and Project Committee, and complete the same within a period of three months from the date of receipt of a copy of this order.

12. The Writ Petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

12.10.2022

Speaking/Non-speaking order
Index: Yes/No
vsi



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To

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C.SARAVANAN, J.

kkd/Vsi

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